

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 KEITH A. SOMERS,

10 Plaintiff,

No. CIV S-05-0741 MCE EFB P

11 vs.

12 M. PEREZ, et al.,

13 Defendants.

ORDER

14 _____/
15 Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations.
16 See 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack
17 authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v.*
18 *United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court
19 may request counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v.*
20 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36
21 (9th Cir. 1990). The court finds that there are no exceptional circumstances in this case.

22 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 8, 2007, motion for
23 appointment of counsel is denied.

24 DATED: January 17, 2007.

25 
26 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE